

**Notice of Allowability**

Application No.

09/881,478

Examiner

Prabodh M. Dharja

Applicant(s)

BLACKHAM ET AL.

Art Unit

2629

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11-20-2006.
2. ☒ The allowed claim(s) is/are 11, 12 and 15-18.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

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1. **Status:** please all the replies and correspondence should be addressed to examiner's new art unit 2629. Receipt is acknowledged of papers submitted 11-20-2006 under request for reconsideration and faxed proposed amendments on 12-20-2006 have been placed of record in the file. Claims 11,12, and 15-18 are pending in this office action and Claims 13 and 14 are cancelled.

***Response to Amendment***

2. The applicant has agreed to do examiner's amendments per examiner's extensive interview with applicant's representative on 12-15-2006 to overcome prior art rejection. Applicant's representative discussed the arguments of remark mailed on 11-20-2006 in response to the non-final office action mailed on 06-27-2006. Examiner discussed gray area of the argument and suggested remove gray area by adding claim limitations of dependent claims 13 and 14 in independent claim 11. Applicant's representative agreed and after receiving approval from applicant; faxed the amended claims to examiner for further consideration and search under US-PGPUB and prior art. After further search and consideration it was determined the amended claims do overcome prior art rejection. The amended independent claim 11 with this examiner amendment after further search and consideration does overcome prior art rejection; which puts the application number 09881478 in condition for allowance.

**EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

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1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a personal telephone interview with applicant's representative Thomas E. Thompkins, Jr. on January 05, 2007.

The application has been amended as follows:

**In the Claims**

Claims 11 is amended as following.

Multi-channel image display apparatus comprising at least two low frame rate channels for forming a background scene, at least one high frame rate source channel **which provides partial frames from a target image,** and high speed real-time image processing electronic means which enables an image from the high frame rate source channel to be inserted at any location in the background scene.

Claims 13 and 14 amended as following.

Claims 13 and 14 are canceled.

4. Claims 11,12 and 15-18 are allowed.

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5. The following is an examiner's statement of reasons for allowance: independent claim 11 is amended per examiner's extensive interview with applicant's representative to overcome prior art rejection. Applicant has agreed to amend the independent claim 11 adding limitations of claims 13 and 14 and canceling claims 13 and 14 via examiner's amendments per interview discussion. The prior art of Gwynn (US 6,259,429 B1) in view of Richards et al. ((5,694,533) fails to recite or disclose the uniquely distinct features of the independent claims limitations below with other limitations recited above:

**Multi-channel image display apparatus comprising at least two low frame rate channels for forming a background scene, at least one high frame rate source channel which provides partial frames from a target image, and high speed real-time image processing electronic means which enables an image from the high frame rate source channel to be inserted at any location in the background scene.**

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prabodh M Dharia whose telephone number is 571-272-7668. The examiner can normally be reached on M-F 8AM to 5PM.

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7. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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01-08-2007



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